

REMARKS

The following is intended as a full and complete response to the Office Action dated July 30, 2008, having a shortened statutory period for response set to expire on October 30, 2008. In this Office Action, claims 3, 4, 11, 12, 23 and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by Bilic (U.S. 7,050,437). Claims 5-10, 13-17 and 25-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bilic in view of Robotham (U.S. 6,775,293) and Natanson (U.S. 6,611,525).

Rejections under §102

The Examiner has rejected claims 3, 4, 11, 12, 23 and 24 as anticipated by Bilic. This rejection is traversed. Bilic does not teach data transmission, as claimed. Bilic only teaches assembling fragments of received data.

Further, Bilic does not teach "a method for assembling a plurality of packet fragments into a packet." The Examiner assumes, without any supporting evidence, that the term "packet" is the same as the word "frame" and that a packet fragment is therefore the same as a packet. Thus, the Examiner says that the rejected claims are anticipated by Bilic's teaching of assembling received packets into frames. This is completely incorrect.

As is well-known in the technology, the terms "packet" and "frame" have widely accepted different meanings. To move through a network, a packet is encapsulated into one or more frames. For example, the Bilic reference teaches at 1:57, et seq. that "each of the packets into which a frame is divided is set to contain a fragment of the original frame." Further, at line 62, the reference teaches that a fragment offset field identifies the position of each fragment in the original frame" and "the fragment offset and the data length of the fragment determine the position of the original frame covered by a given fragment." Thus, in Bilic, information is assigned to each and every fragment to support the reassembly of the received frame by placing the data portion of each fragment in the relative position within a frame as indicated by the fragment offset in the fragments IP header. As taught at Bilic 2:47 and following, the network interface of the Bilic invention receives fragments of data frames over the network and reassembles the frames in their order in the receiver's host memory.

As the current independent claims recite, in some instances, fragments must be identified and assembled into a packet for transmission. Bilic does not teach any of the following claimed steps: determining that received data constitutes a packet fragment, assembling packet fragments into a packet, or any of the succeeding steps, all of which are based on assembling packet fragments into a packet for transmission. These recited steps are described at paragraphs [0089] and [0099] of the present application, and the further steps of fragment processing are described at length beginning at paragraph [0014] of the present application.

Rejections under §103

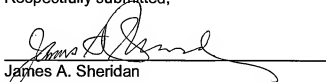
In rejecting the claims as obvious, in addition to the reliance on Bilic, the Examiner relies on Robotham and Natanson. The inappropriateness of using Bilic has been discussed above. The Robotham and Natanson references do not make up for the deficiencies of Bilic as neither one teaches processing packet fragments including determining whether or not received data constitutes a packet fragment followed by the succeeding steps recited in the independent claims. Further, since not all packets will be packet fragments, the use of the timer and the use of the checksum to associate a given packet with a packet fragment in the buffer memory, as recited in the claims, are simply not taught by these references. Bilic deals only with received packets, which are to be assembled into a frame to recreate an original frame at the receiving end. Bilic, thus, cannot be modified by any of the teachings in Robotham and Natanson in a way that results in the claimed invention.

In view of these clear distinctions supported by the claim language as presented, reconsideration and allowance of the claims is requested.

CONCLUSION

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Office Action mailed on July 30, 2008, having a shortened statutory period for response set to expire on October 30, 2008, and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



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